

Article - Criminal Law

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§10–127.

(a) In a proceeding for a violation under this part:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of a criminal case;

(2) the court shall apply the evidentiary standards as prescribed by law for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to:

(i) cross-examine each witness who appears against the defendant;

(ii) produce evidence and witnesses on the defendant's own behalf;

(iii) testify on the defendant's own behalf if the defendant chooses to do so; and

(iv) be represented by counsel of the defendant's own selection and expense;

(5) the defendant may enter a plea of guilty or not guilty;

(6) the verdict shall be:

(i) guilty of a civil violation; or

(ii) not guilty of a civil violation; and

(7) before entering a judgment, a court may place the defendant on probation in the same manner and to the same extent as is permitted by law in a criminal case.

(b) If a defendant is found guilty of a violation under this part and a fine is imposed, a court may direct that the payment of the fine be suspended or deferred under conditions determined by the court.

(c) A defendant's willful failure to pay a fine imposed under this part may be treated as a criminal contempt punishable as provided by law.

(d) A defendant who is found guilty of a violation under this part, as provided by law for a criminal case, may file:

- (1) an appeal;
- (2) a motion for a new trial; or
- (3) a motion for a revision of a judgment.

(e) The State's Attorney for each county may:

(1) prosecute a violation under this part in the same manner as a prosecution of a criminal case, including entering a nolle prosequi or placing the case on violation on a stet docket; and

(2) exercise authority in the same manner prescribed by law for a violation of the criminal laws of the State.

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